

# **Exhibit 1**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
SPRING VALLEY BRANCH; JULIO  
CLERVEAUX, CHEVON DOS REIS; ERIC  
GOODWIN; JOSE VITELIO GREGORIO;  
DOROTHY MILLER; HILLARY MOREAU;  
AND WASHINGTON SANCHEZ,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL  
DISTRICT AND MARYELLEN ELIA, IN  
HER CAPACITY AS THE  
COMMISSIONER OF EDUCATION OF  
THE STATE OF NEW YORK,

Defendants.

17 Civ. 8943 (CS) (JCM)

**EXPERT REPORT OF**  
**MATTHEW A. BARRETO, PhD. & LOREN COLLINGWOOD, PhD.**

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**I. SCOPE OF WORK**

1. We were retained by the law firm of Latham & Watkins LLP and the New York Civil Liberties Union Foundation to examine the degree to which elections for Board Members of the East Ramapo Central School District (“ERCSD”, “East Ramapo” or the “District”) are characterized, or not, by racially polarized voting between whites and non-whites, and the extent to which white or non-white candidates of choice are regularly elected to the Board of Education (the “Board”).

2. We filed our preliminary expert report on July 29, 2018 (the “Preliminary Expert Report”). The Preliminary Expert Report is attached to this report as Appendix B.

3. This report serves as an addendum to the Preliminary Expert Report and contains our additional analyses of elections and factors surrounding East Ramapo elections for the Board.

4. This report, together with the Preliminary Expert Report, serve as our expert report (the “Expert Report”).

**II. OVERVIEW OF EXPERT REPORT**

5. The primary aim of the Expert Report is to examine whether evidence of racially polarized voting exists in elections for East Ramapo and to determine if black and Latino eligible voters have their electoral interest blocked by a combination of institutional arrangements and white bloc-voting.

6. We have three main conclusions: 1) Using data on actual voters, there is very strong evidence of racially polarized voting in elections in East Ramapo from 2013 to 2018; 2) black-preferred and Latino-preferred candidates have never won a single contested election in

East Ramapo from 2013 to 2018; and 3) the electoral system in place for District elections contains many features that are known to reduce black and Latino voter participation and opportunities to elect candidates of choice.

### III. ANALYSIS OF RACIALLY-POLARIZED VOTING IN EAST RAMAPO

7. Ecological statistical models, like EI and EI RxC used in our Expert Report, attempt to draw an inference regarding how groups voted using aggregate ecological data, often of *eligible* voters. Yet, when data on *actual* voters is available, it is helpful to examine how candidate vote choice varied across precincts given precinct racial demographics of the actual voters, as opposed to the eligible voters. To compile actual voter data here, we employed a technique that is commonly used in social science analysis of voting patterns, and has been used in previous voting rights lawsuits: surname matching and local census data. As explained in our Preliminary Expert Report, we employ the WRU package in R to estimate the probability that a voter is white, black, Latino, or other, using a combination of surname and geolocation. The result is that for every person who actually cast a ballot in the 2017 election, we have a reliable estimate of their race or ethnicity, which we can then aggregate at the precinct level.<sup>1</sup> Using this data we create a more accurate picture of voter behavior in the 10 precincts in East Ramapo to run ecological analysis of vote choice and racial demographics.<sup>2</sup> The results are reported in

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<sup>1</sup> See Kosuke Imai and Kabir Khanna, “Improving Ecological Inference by Predicting Individual Ethnicity from Voter Registration Records,” *Political Analysis* vol. 24, at 263-72 (2016).

<sup>2</sup> Here, we are not necessarily interested in the racial assignment for any single individual voter because we use the aggregate precinct data to evaluate patterns across precincts, and are therefore more interested in the combined or aggregate racial assignments across precincts. Using the aggregate data gives us a much more refined read on the racial and ethnic demographics of the voters from one precinct to another because the data is more accurate at an aggregate level.

Tables 1-3 below for the elections in 2013, 2016, and 2018 for both EI and RxC based on our eiCompare package for R<sup>3</sup>. We were not able to analyze results for the 2015 election at the time of this report because the Microsoft Excel voter file provided by the District contained incorrect precinct district assignments for the voters. We will supplement our opinions with further analysis of the 2015 election results when the corrected data are made available to us.

**8. TABLE 1A: 2013 VOTE CHOICE ESTIMATES USING VOTER RACE (BISG)**

	White vote			Black vote			Latino vote		
	EI	RxC		EI	RxC		EI	RxC	
Corado	75	68	Won	3	15		2	34	
Tuck	25	32		98	85	Blocked	99	66	Blocked
Germain	70	67	Won	5	26		7	39	
Clerveaux	29	33		94	74	Blocked	90	61	Blocked
Charles	68	66	Won	4	22		10	44	
Forrest	31	34		93	78	Blocked	91	56	Blocked

**9. TABLE 1B: 2013 VOTE CHOICE ESTIMATES WHITE / NON-WHITE**

	White vote			Non-White vote		
	EI	RxC		EI	RxC	
Corado	75	70	Won	5	18	
Tuck	25	30		95	82	Blocked
Germain	71	71	Won	19	19	
Clerveaux	29	29		81	81	Blocked
Charles	68	68	Won	26	24	
Forrest	33	32		73	76	Blocked

<sup>3</sup> Collingwood, Loren, Kassra Oskooii, Sergio Garcia-Rios, and Matt Barreto. 2016. "eiCompare: Comparing Ecological Inference Estimates across EI and EI: RxC." *The R Journal*. 8:2

10. **TABLE 2A: 2016 VOTE CHOICE ESTIMATES USING VOTER RACE (BISG)**

	White vote			Black vote			Latino vote		
	EI	RxC		EI	RxC		EI	RxC	
Charles	77	75	Won	17	25		5	41	
Foskew	23	25		94	75	Blocked	89	59	Blocked
Germain	77	74	Won	4	24		1	40	
Fields	22	26		90	76	Blocked	97	60	Blocked
Weissmandl	78	72	Won	3	19		3	36	
Morales	22	28		96	81	Blocked	98	63	Blocked

11. **TABLE 2B: 2016 VOTE CHOICE ESTIMATES WHITE / NON-WHITE**

	White vote			Non-White vote		
	EI	RxC		EI	RxC	
Charles	79	77	Won	14	23	
Foskew	21	23		86	77	Blocked
Germain	77	76	Won	17	21	
Clerveaux	23	24		83	79	Blocked
Weissmandl	78	74	Won	2	16	
Morales	22	26		95	84	Blocked

12. **TABLE 3A: 2018 VOTE CHOICE ESTIMATES USING VOTER RACE (BISG)**

	White vote			Black vote			Latino vote		
	EI	RxC		EI	RxC		EI	RxC	
Trieger	85	62	Won	20	18		3	39	
Moster	14	38		72	82	Blocked	97	61	Blocked
Weissmandl	83	83	Won	5	16		2	40	
Cintron	17	17		91	84	Blocked	95	60	Blocked

13. **TABLE 3B: 2018 VOTE CHOICE ESTIMATES WHITE / NON-WHITE**

	White vote			Non-White vote		
	EI	RxC		EI	RxC	
Trieger	85	65	Won	40	18	
Moster	15	35		61	82	Blocked
Weissmandl	82	83	Won	31	21	
Cintron	17	17		69	78	Blocked

14. The results in Tables 1-3 make clear the pattern of racially polarized voting among whites and non-whites evidenced by actual voter data as opposed to eligible voter (CVAP) data. Both EI and RxC produce results consistent with the data reported in the Preliminary Expert Report, but also provide individual group estimates for whites, blacks, and Latinos, which show that both blacks and Latinos voted cohesively within each minority group and across the two minority groups for the candidates who lost each election: Tuck, Clerveaux, and Forrest in 2013; Foskew, Fields, and Morales in 2016; and Moster and Cintron in 2018. In contrast, whites voted in a bloc in favor of the winning candidate in each election: Corado, Germain and Charles in 2013; Charles, Germain and Weissmandl in 2016; and Weissmandl and Trieger in 2018.

**A. Replication of 2017 BISG Using Catalist Race Models for Actual Voters**

15. We also reviewed the 2017 BISG results provided in the Preliminary Expert Report and compared them to an alternative process for estimating voter race using the Catalist race model on the voter file. We present the original 2017 analysis using WRU and BISG and the new 2017 analysis using the Catalist race model and BISG below.

16. **TABLE 4: 2017 VOTE CHOICE ESTIMATES USING VOTER RACE FROM WRU PACKAGE (BISG)**

	White vote			Black vote			Latino vote		
	EI	RxC		EI	RxC		EI	RxC	
Berkowitz	72	73	Won	10	23		5	36	
Manigo	28	27		93	77	Blocked	94	64	Blocked
Grossman	72	74	Won	2	23		5	36	
Goodwin	29	26		91	77	Blocked	91	64	Blocked
Freilich	75	77	Won	14	27		5	40	
Dos Reis	25	23		93	73	Blocked	87	60	Blocked

17. **TABLE 5: 2017 VOTE CHOICE ESTIMATES USING VOTER RACE FROM CATALIST DATA (BISG)**

	White vote			Black vote			Latino vote		
	EI	RxC		EI	RxC		EI	RxC	
Berkowitz	81	75	Won	3	17		5	37	
Manigo	21	25		96	83	Blocked	93	63	Blocked
Grossman	80	75	Won	2	20		3	35	
Goodwin	19	25		96	80	Blocked	95	65	Blocked
Freilich	84	78	Won	1	22		2	36	
Dos Reis	16	22		95	78	Blocked	90	64	Blocked

18. The vote choice estimates reported in Tables 4-5 are nearly identical, validating the original model that we produced in our Preliminary Expert Report using the WRU method for imputing voter race, with a second data source from Catalist using their race model. In both instances for the 2017 elections, the analysis using voter's actual race estimates produces strong and statistically significant estimates of racially polarized voting in East Ramapo elections and the estimates are statistically indistinguishable from one another, suggesting both are equally reliable in assessing voter race.



#### **IV. ANALYSIS OF OTHER FACTORS AFFECTING THE ABILITY OF MINORITIES IN EAST RAMAPO TO ELECT THEIR CANDIDATES OF CHOICE**

19. In this Expert Report, we provide some analysis bearing on other factors (the “Senate Factors”) that were identified by the United States Supreme Court in *Thornburg v. Gingles* as relevant to assessing a claim under Section 2 of the Voting Rights Act.<sup>4</sup> The factors we examine below are:

- Factor 3: “the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group”;
- Factor 4: “if there is a candidate slating process, whether members of the minority group have been denied access to that process”;
- Factor 5: “the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;” and
- Factor 7: “the extent to which members of the minority group have been elected to public office in the jurisdiction.”<sup>5</sup>

##### **A. Discrimination-Enhancing Electoral Practices**

20. Senate Factor Three examines “the extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group.”

21. There are a number of institutional factors in place in East Ramapo that may account for reduced minority voting rates and opportunities to elect candidates of choice. In this

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<sup>4</sup> 478 U.S. 30, 37, 44-45 (1986). In addition to the Senate Factors discussed below, our analysis of racially-polarized voting discussed in our Expert Report addresses Senate Factor 2, “the extent to which voting in the elections of the state or political subdivision is racially polarized.” *Id.*

<sup>5</sup> *Id.*

section we examine such factors and reference the extant literature published in the social sciences that identify discrimination-enhancing practices that can affect minority voter turnout.

22. *At-large elections reduce minority opportunities to elect candidates of choice.*

All Board elections in East Ramapo are conducted at-large with no requirement that any candidate live in any particular area of the District. Scholars and courts have long-recognized that at-large election districts reduce minority turnout and negatively affect minority voters' ability to elect their candidates of choice (Trounstone and Valadini, 2008; Engstrom and McDonald, 1986). At-large elections negatively impact minority representation by diluting their votes. In the presence of racially-polarized voting, a cohesive white majority can effectively determine the winner of all seats elected at-large, ensuring that candidates can only win if they are preferred by white voters.

23. Leal, Martinez-Ebers, and Meier (2004) find evidence that at-large elections negatively impact Latino opportunities to elect candidates of choice to school boards. Their analysis finds evidence that the proportion of Latinos in a population positively affects Latino representation on school boards, but that at-large election structures significantly weaken this relationship by reducing voter turnout and, in turn, chances to elect candidates of choice.

24. Hajnal and Trounstone (2005) find that for blacks, at-large elections and off-cycle local elections are a larger obstacle to achieving representation on city councils and in mayors' offices. Their analysis compares the results of parametrically simulated elections, where turnout is equal across racial groups, to actual elections in the U.S.'s ten largest cities. In summarizing their statistical findings, Hajnal and Trounstone write: "[s]pecifically, the coefficients in Table 2 indicate that moving from at-large to district elections and changing the dates of local elections to coincide with the dates of national elections would increase the proportion of blacks on city

councils by a little over 6%, all else equal. Given that most cities still retain at-large elections and off-cycle elections, these two institutional changes could greatly influence black representation nationwide.” *Id.* at 52. In sum, they offer strong and consistent evidence that a turnout disadvantage greatly restricts minority representation and benefits greater white representation in local elections.

25. ***Off-cycle elections reduce minority turnout.*** Board elections in East Ramapo are not held concurrently with any other federal, state, or local election. Instead, elections in East Ramapo take place on the third Tuesday of May every year.<sup>6</sup> Elections are held every year because the terms of the Board’s nine members are staggered so that three seats are up for election each year.<sup>7</sup> Local elections held during off-cycle periods—whether in May or in years when no other elections are on the ballot—tend to generate relatively low levels of information about the candidates and produce unusually low voter turnout. Hajnal and Lewis (2003); Oliver (2012); Anzia (2014). In addition, turnout among African-American voters tends to be disproportionately low in off-cycle local elections. Hajnal and Trounstein (2005); Hill and Leighley (1992).

26. When local elections are not held on the same date as elections for state and federal offices, turnout is lower. Berry and Gersen (2010) analyze the link between local elections and policymaking by examining how their timing affects turnout. “Elections held at odd times force potential voters to bear additional costs to participate in the political process. As these costs increase, voters with less at stake in the election will be more likely to abstain and

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<sup>6</sup> N.Y. Educ. Law § 1906.

<sup>7</sup> East Ramapo Central School District Policies § 2120 (Board Member Elections), [http://www.ercsd.org/files/\\_vNK7T\\_/a937a7be0281f4043745a49013852ec4/2120\\_-\\_Board\\_Member\\_Elections.pdf](http://www.ercsd.org/files/_vNK7T_/a937a7be0281f4043745a49013852ec4/2120_-_Board_Member_Elections.pdf).

voters with more at stake in the election will comprise a larger share of the active electorate ...” *Id.* at 39. They conduct a rigorous statistical analysis on turnout in municipal and school board elections between 1996 and 2006. They find that “within the same jurisdiction over time, turnout in school board elections is approximately 22 percentage points higher in even years than in odd years; turnout in municipal elections is approximately 17 percentage points higher in even years than in odd years.” *Id.* at 51-52

27. In examining how electoral institutions contribute to levels of voter turnout in elections, Hajnal and Lewis (2003) conclude that “[m]oving local elections to coincide with the dates of national elections would have by far the largest impact on voter turnout.” *Id.* at 645. In their analysis of data from a survey of California cities, they test for the effects of election timing on voter turnout in local municipal elections for mayor and city council. They find that, on average, turnout in these elections is about 38 percent higher when they coincide with presidential election dates than they are in off-cycle elections, turnout is 26 percent higher in elections that coincide with midterm congressional elections, and turnout is 25 percent higher when they coincide with presidential primaries. The authors stress that “participation in local elections depends critically on the timing of those elections.” *Id.* at 656.

28. Electoral structures that discourage turnout and disengage voters have the effect of maintaining the status quo by increasing the proportion of incumbents who run and win local elections. Trounstone (2013) finds that the advantage incumbents have over challengers in local elections is positively associated with electoral structures that encourage lower turnout. These structures, which she refers to as low-turnout environments, include elections that are not held on the same day as that of higher levels of government. Her analysis of data on electoral structures from the Federal Election Assistance Commission and the International City County Manager’s

Association, also includes census data to control for demographics, and surveys from 1986, 1992, 1996, and 2001. Trounstein (2013) finds evidence that low-turnout environments positively affect the rate at which incumbents run, and the rate at which they win local elections.

29. *Few polling places compared to other Rockland County elections.* Polling consolidation decreases voter turnout in elections. In New York, school district elections are run by the school districts rather than the county Board of Elections, which runs most other elections. There are substantially fewer polling places in use for District elections in East Ramapo than for other elections in the same geographic area. Until 2017, East Ramapo voters were assigned to only 10 polling places.<sup>8</sup> In 2018, East Ramapo voters were assigned to 13 polling places.<sup>9</sup> For state and federal elections run by the Rockland County Board of Elections, voters in the same geographic area were assigned to approximately 24 polling places.<sup>10</sup> The result is not only an effective reduction in polling places for Board elections over other types of elections, but the added confusion for voters who may vote in two different locations in each type of election.

30. McNulty, Dowling, and Ariotti (2009) examine the link between reductions in the number of polling place locations and voter participation. Their analysis uses data from a “natural experiment” in which New York State’s Vestal Central School District closed three of its eight polling locations. Using the voter file, they analyze changes in individual level turnout

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<sup>8</sup> See East Ramapo Central School District, Annual Budget & Trustee Vote, Official Results, May 16, 2017, [http://www.ercsd.org/files/\\_eKIG5\\_/d3de2602f91b827a3745a49013852ec4/Attachment\\_A\\_-\\_Official\\_Budget\\_Vote\\_Results\\_-\\_2017\\_06-06-17.pdf](http://www.ercsd.org/files/_eKIG5_/d3de2602f91b827a3745a49013852ec4/Attachment_A_-_Official_Budget_Vote_Results_-_2017_06-06-17.pdf).

<sup>9</sup> See East Ramapo Central School District, Annual Budget & Trustee Vote, Official Results, May 15, 2018, [http://www.ercsd.org/files/\\_pHBBI\\_/6b2d48d46a65300a3745a49013852ec4/Attachment\\_A\\_-\\_Official\\_Budget\\_Vote\\_Results\\_-\\_May\\_15\\_2018.pdf](http://www.ercsd.org/files/_pHBBI_/6b2d48d46a65300a3745a49013852ec4/Attachment_A_-_Official_Budget_Vote_Results_-_May_15_2018.pdf).

<sup>10</sup> See, e.g., County of Rockland Polling Places – 2018.

in school board elections between 2005, before the consolidation, and in 2006, after the consolidation. They find that this consolidation reduced turnout by about 7 percent on average.

31. Similarly, Brady and McNulty (2011) examine how Los Angeles County polling consolidation in the 2003 California gubernatorial recall election affects turnout. Again, they rely on a “natural experiment” where the decisions over consolidating polling locations were independent of voters and candidates in the election. Using individual voter data from the LA County voter file, their analysis finds that reductions in the number of polling places results in lower voter turnout comparing across similar elections.

32. *Numbered posts prevent bullet voting and result in a de facto majority-vote requirement.* In East Ramapo, candidates run for specific seats, also called numbered posts.<sup>11</sup> Voters are also only permitted to cast one vote in each race. Scholars and courts have long recognized that numbered posts further dilute the minority vote because they prevent minority groups from engaging in bullet voting, that is, concentrating all of their votes on a single candidate while white voters may split their voters across multiple candidates. Grofman, Handley, and Niemi (1992); Engstrom and McDonald (1982).

33. The high incidence of two-candidate races also results in a de facto majority vote requirement. Since 2008, counting every year for which election results are available on the District’s website, there have been a total of 36 contests for seats on the Board—25 contested elections and 11 uncontested elections. For those 25 contested elections, all but three featured only two candidates. Even more salient, out of fourteen contests for open seats, i.e., seats with

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<sup>11</sup> East Ramapo Central School District Policies § 2120.1 (Candidates and Campaigning), [http://www.ercsd.org/files/\\_vNK7T\\_/781d00554adb44c43745a49013852ec4/2120.1\\_-\\_Candidates\\_and\\_Campaigning.pdf](http://www.ercsd.org/files/_vNK7T_/781d00554adb44c43745a49013852ec4/2120.1_-_Candidates_and_Campaigning.pdf).



no incumbent running, which should generate more candidate interest (Gaddie and Bullock 2000), only one featured more than two candidates. Moreover, in each of the three contests with three candidates, the third-place candidate received less than 5 percent.<sup>12</sup> This level of annual consistency in just two main candidates running for numbered posts, with voters permitted to cast only one vote in each post, results in a de facto majority vote requirement, which further prevents minorities from using single-shot voting to elect their candidates of choice.

34. ***Lack of Spanish-language election materials reduces Latino participation.*** In East Ramapo, the majority of public school students and nearly ten percent of the District's citizen voting age population are Latino;<sup>13</sup> however, an inspection of the election information on the District's website reveals few, if any, Spanish-language election materials such as absentee ballot applications, sample ballots, or polling place look-ups.<sup>14</sup> A clear finding in the literature is that the lack of availability of Spanish-language election materials reduces Latino voter turnout.<sup>15</sup> Jones-Correa (2005) conducts a national analysis of Section 203 coverage and finds

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<sup>12</sup> In 2015, Yisroel Eisenbach received 556 out of 11,464 votes cast or 4.8%, compared to the other two candidates who received 4,615 and 6,293 votes or 40.2% and 54.9%, respectively. In another 2015 contest, Alan Keith Jones 468 out of 11,448 votes cast or 4.1%, compared to the other two candidates who received 4,600 and 6,380 votes or 40.1% and 55.7% respectively. In 2009, Carolyn Watson received 566 out of 13,380 votes or 4.1%, compared to the other two candidates who received 4,236 and 8,578 votes 31.7% and 65.4% respectively. *See* East Ramapo Central School District, Election Results, May 19, 2015, [http://www.ercsd.org/files/\\_TeCAI\\_/62dc7639ca48f4fc3745a49013852ec4/Official\\_Vote\\_Results\\_-\\_05-19-15.pdf](http://www.ercsd.org/files/_TeCAI_/62dc7639ca48f4fc3745a49013852ec4/Official_Vote_Results_-_05-19-15.pdf); East Ramapo Central School District, Election Results, May 19, 2009, [http://www.ercsd.org/files/\\_TeB70\\_/47db81eb38e2dabc3745a49013852ec4/Official\\_Vote\\_Results\\_-\\_05-19-09.pdf](http://www.ercsd.org/files/_TeB70_/47db81eb38e2dabc3745a49013852ec4/Official_Vote_Results_-_05-19-09.pdf).

<sup>13</sup> *See* 2010 Census Data for the District, Report of William S. Cooper, ¶¶ 21, 19.

<sup>14</sup> We understand that two English-language pamphlets for bond votes in December 2015 and 2016 had been produced that refer to Spanish-language versions of the same documents.

<sup>15</sup> Inability to speak and read English negatively impacts Latino election turnout and voter registration. Parkin and Zlotnick (2011) examine the relationship between Latino citizens'

strong statistical evidence that when Spanish language materials were present, Latino turnout was higher. Hopkins (2011) uses a regression discontinuity to examine jurisdictions that do and do not offer bilingual voting materials. Hopkins finds that jurisdictions which lack fully translated Spanish materials directly result in lower Latino turnout, and he notes that in many instances the turnout differences negatively impact Latino candidates of choice from winning office.

35. In a new study, Fraga and Merseth (2016) examine the causal relationship between the Voting Rights Act's (VRA) language minority provisions and turnout for Latinos and Asian Americans. The authors use a technique called regression discontinuity design, where they are able to isolate the causal effects of these provisions by examining counties and municipalities that fall either just below or just above the threshold required for the VRA's mandated language assistance. This threshold has an "as if random" effect because jurisdictions very close to the threshold in either direction are very similar to each other, with the major difference between them being a small population percentage of non-English speaking groups. Using data from 1,465 counties and municipalities nationwide, they analyze voter registration and turnout in the 2012 election and find that VRA coverage accounts for a significant increase in Latino and Asian American registration and turnout. A clear takeaway is that Spanish-language materials need to be provided to give an equal opportunity for voter engagement and participation.

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participation in U.S. elections and the ability to read and write in English. Using data from the Pew Hispanic Center's 2004 National Survey of Latinos (NSL), their analysis of Latinos with citizenship finds that the ability to speak and read English is positively associated with registration. They model the likelihood that respondents vote and find that, after controlling for other factors, English increases the likelihood of participation for respondents.



**B. Minority Access to the Candidate Slating Process**

36. Factor 4 examines “[i]f there is a candidate slating process, whether members of the minority group have been denied access to that process.”

37. A slating process encompasses far more than merely partisan control over candidate access to a line on the ballot. In non-partisan municipal elections, civic group and community leaders act effectively as political parties, recruiting and/or endorsing candidates and assisting with those candidates’ election efforts. These powerful organizations can significantly hinder the ability of minorities to elect their candidates of choice when they exclude minorities from their operations. A critical dimension to the issue of minority access to the slating process is the extent to which minority voters are able to participate in the process of selecting candidates to be endorsed. Davidson and Fraga (1988).

38. *The extent to which minority voters are able to participate in the process of selecting candidates to be endorsed.* One way in which minorities are inhibited from electing their candidates of choice is through their exclusion from the groups that make influential endorsements. Davidson and Fraga (1988) investigated the proposition that where a “powerful slating refuses minority participants equal access to its nominating process . . . , the nominating candidates, even if members of the minority groups themselves, are not representatives of minority interests.”<sup>16</sup> The results of their investigation supported the proposition. Davidson and Fraga found that in the cities they researched, slating organizations erected barriers to minority participation by holding meetings at inconvenient times, vesting authority in a handful of community leaders who were largely unaccountable to others in the organization, failing to

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<sup>16</sup> *Id.* at 378.

follow parliamentary rules for their endorsement process, or even maintain consistent procedures from year to year. In all the circumstances investigated by Davidson and Fraga, the slating organizations “met in private and did not reveal their deliberations to the press.”<sup>17</sup> The result in terms of the election of minority candidates is that “all slating groups included some minority group members, but they were often described by minority leaders not involved in the slating process as tokens, and in some cases the minority nominees were not the choice of minority voters.”<sup>18</sup>

39. For every contested Board election analyzed, minority candidates have only won when they have been the preferred candidates of a large white voting bloc, while also opposed by large majorities of black and Latino voters.<sup>19</sup> These results suggest that these minority candidates may have been endorsed without any input from minority voters.

40. In addition, a BISG (WRU) analysis of some of the nominating petitions signed by voters in East Ramapo shows that prior victorious minority candidates received most of their nominating signatures from white voters. Likewise, white-preferred candidates who are also white received most of their nominating signatures from white voters. We examined the names and addresses on the nominating petitions for open seat elections with no incumbent in 2013 (Corado v. Tuck); in 2015 (Ramirez v. Whites); and in 2017 (Freilich v. Dos Reis).

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<sup>17</sup> *Id.* at 382

<sup>18</sup> *Id.*

<sup>19</sup> See results of racially polarized voting analysis in Preliminary Expert Report and also in this report above, ¶ 10.

41. **TABLE 6: Race and Ethnicity of Signatures on Nominating Petitions<sup>20</sup>**

Candidate	% signatures White	% signatures Black	% signatures Latino
2013 – Corado	87.8%	1.2%	10.2%
2013 – Tuck	20.9%	61.1%	11.8%
2015 – Ramirez	83.3%	16.2%	0.5%
2015 – White	37.4%	34.5%	22.4%
2017 – Freilich	95.6%	0.7%	3.2%
2017 – Dos Reis	36.1%	44.3%	12.4%

42. There are several indications that elections in East Ramapo are characterized by two opposing sets of slating organizations. *First*, as noted above, our analysis of racial voting patterns shows that the minority candidates who have been elected in East Ramapo have not been the preferred candidates of minority voters.

43. *Second*, as noted above, the repeated occurrence of two-candidate elections over the past decade, including the presence of two-candidate elections in 13 out of 14 contests for open seats, is often an indicator of organizational control over ballot access.

44. *Third*, in every contest analyzed, the winning candidates and losing candidates each received similar vote totals and similar degrees of support from different racial groups, which is highly unusual, except in instances of partisan elections with two main parties.

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<sup>20</sup> ERCSD00013402 (Dos Reis); ERCSD00013074 (Freilich); ERCSD00013685 )(Ramirez)  
; ERCSD00013668, ERCSD00013750 (White); ERCSD00012680 (Corado)  
ERCSD00012742 (Tuck)

45. Eight out of the past 10 years of elections in East Ramapo have featured multiple contested elections.<sup>21</sup> An analysis of the vote totals shows that each set of candidates is generating a common level of support in turning out voters, which is consistent with those candidates benefitting from slating organizations. As Davidson and Fraga (1988) observed, slating organizations do more than “merely announce their slate at a press conference,” but take on roles “fund[ing] and coordinat[ing] their candidates’ campaigns and mobiliz[ing] votes in their behalf.”<sup>22</sup>

46. The following tables show our analysis of vote totals, which focuses on calculating the differential between the vote totals won by the set of winning candidates as a percentage of the average votes by winning candidates. We also calculate the same metric for losing candidates. Looking at this differential allows us to get a sense of the variation in vote totals across candidates while better controlling for the level of turnout in each election.

47. Rows marked by “Pos. 1,” “Pos. 2,” etc. or “Seat 1,” “Seat 2,” or “Seat 3” contain the vote totals and percentages for the winner and runner-up in each contest. The row marked “Min-Max” contains the difference in raw vote totals between the winning candidate receiving the most votes and the winning candidate receiving the fewest votes, as well as the same raw vote differential for runner-up candidates. The row marked “Avg. Total” contains the average raw vote total received by winning candidates and the same value for runner-up candidates. The row marked “Std. Deviation” reports the overall standard deviation across all the vote totals for both winner and losers. The row marked “% Differential” calculates the ratio of the standard deviation to the average total, measure the amount of differential, on average. Finally, the row

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<sup>21</sup> There were no contested elections in 2014 and only one contested election in 2010 and 2008.

<sup>22</sup> *Id.* at 383.

marked “% deviation” reports the absolute deviation, using the “Min-Max” number divided by the average vote total.

48. As a point of comparison, we examined the Seattle City Council election in 2011 which also used a numbered post system and featured two candidates per seat. However, as is clearly seen in Table 7, the results for the candidates in Seattle varied widely from position to position, with some candidates winning by very large margins (82% to 17%) while other races were near ties (51% to 49%). This is what a normal election system looks like when there is no slating scheme in place and all candidates run independent of one another. Overall Seattle reported 17% difference for winning candidates and 39% for losing candidates and then 44% deviation among winning candidates and 104% deviation for losing candidates in 2011.

49. Table 8 reports the same information for the 2011 East Ramapo District election in which 3 positions were up and also featured two candidates per seat. The 3 winning candidates got nearly the exact same vote totals across the 3 seats – only varying by 43 total votes with a standard deviation of 22 votes. The same trend is true for the losing candidates with only 89 total votes separating the candidates and a standard deviation of 52. In this case, the amount of measured variation is very small, with 0.22% differential among winners and 0.44% variation. For losing candidates the differential is also small at 0.66% and deviation of 1.13%.

50. **TABLE 7: 2011 SEATTLE CITY COUNCIL RESULTS**

Seattle 2011	Winner	Loser
Pos. 1	84,124	82,060
Pos. 3	96,978	61,138
Pos. 5	112,808	42,452
Pos. 7	130,674	26,758
Pos. 9	102,620	54,296
Avg Total	105,441	53,341
Min-Max	46,550	(55,302)
Std. Deviation	17,500	20,686
% differential	17%	39%
% deviation	44%	-104%

51. **TABLE 8: 2011 ERCSD ELECTION RESULTS**

ERCSD 2011	Winner	Loser
Seat 1	9,904	7,907
Seat 2	9,923	7,909
Seat 3	9,947	7,818
Avg. Total	9,925	7,878
Min-Max	43	(89)
Std. Deviation	22	52
% Differential	0.22%	0.66%
% deviation	0.43%	-1.13%

52. For East Ramapo, we went on to analyze each year in which there were multiple contested elections, excluding races that involved more than two candidates for one seat.<sup>23</sup> From 2011 to 2018, the vote totals in East Ramapo show relatively low levels of variation for both winning and losing candidates. Looking at the raw vote total as a percentage of the average votes received, for winning candidates, that differential has been under 5% for each election analyzed. Although there is greater variation among the losing candidates, the differential has remained at or below 10% until this past year. The larger and steadily increasing differential for losing candidates is consistent with the slate supporting those candidates weakening over time.

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<sup>23</sup> As noted above, since 2008 only three races have featured a third candidate. Those candidates received only a few hundred votes, or fewer than five percent.

53. **TABLE 9: ERCSD ELECTION RESULTS 2012 – 2018**

ERCSD 2012	Winner	Loser
Seat 1	8,474	6,315
Seat 2	8,460	6,276
Seat 3	8,521	6,335
Avg. Total	8,485	6,309
Min-Max	61	59
Std. Deviation	32	30
% Differential	0.38%	0.48%
% deviation	0.72%	0.94%

ERCSD 2013	Winner	Loser
Seat 1	6,806	5,244
Seat 2	6,899	5,085
Seat 3	6,833	5,175
Avg. Total	6,846	5,168
Min-Max	93	(159)
Std. Deviation	48	80
% Differential	0.70%	1.54%
% deviation	1.36%	-3.08%

ERCSD 2016	Winner	Loser
Seat 1	7,973	3,972
Seat 2	7,860	4,137
Seat 3	7,626	4,401
Avg. Total	7,820	4,170
Min-Max	(347)	429
Std. Deviation	177	216
% Differential	2.26%	5.19%
% deviation	-4.44%	10.29%

ERCSD 2017	Winner	Loser
Seat 1	9,158	4,964
Seat 2	9,137	4,910
Seat 3	9,530	4,503
Avg. Total	9,275	4,792
Min-Max	393	(461)
Std. Deviation	221	252
% Differential	2.38%	5.26%
% deviation	4.24%	-9.62%

ERCSD 2018	Winner	Loser
Seat 1	7,179	1,996
Seat 2	6,977	2,308
Avg. Total	7,078	2,152
Min-Max	(202)	312
Std. Deviation	143	221
% Differential	2.02%	10.25%
% deviation	-2.85%	14.50%

54. *Fourth*, recent campaign finance disclosures suggest that winning candidates have access to channels of political support that have been sufficient to overcome fundraising from losing candidates. Candidates for election to the Board are required to file with the District Clerk sworn statements of expenditures and contributions made to aid in his or her nomination or election or to influence the nomination or defeat of any candidate.<sup>24</sup> If a candidate's campaign contributions or expenditures exceed \$500, the candidate must file a sworn statement itemizing their expenditures and contributions received.<sup>25</sup> This statement must list the amount of all money or other valuable things paid, given, expended, or promised by the candidate, or incurred for or on the candidate's behalf with his or her approval.<sup>26</sup> If a candidate raises or spends less than \$500, that candidate must still file a sworn statement stating as much.<sup>27</sup>

55. From 2015 through 2017, the most recent year for which campaign finance disclosures have been produced, no winning candidate has reported exceeding the minimum

<sup>24</sup> N.Y. Educ. Law § 1528.

<sup>25</sup> N.Y. Educ. Law §§ 1528-1531.

<sup>26</sup> N.Y. Educ. Law § 1528.

<sup>27</sup> *Id.*



reporting requirement of \$500 for either campaign contributions or expenditures.<sup>28</sup> Over the same period, losing candidates reported significant campaign expenditures—from \$6,858 in 2015 up to \$10,644 in 2017.<sup>29</sup> Ordinarily, one would expect at least some positive relationship between a candidates' campaign expenditures and their vote totals. Jacobson (1978); Erikson and Palfrey (1998); Bonneau (2007). The losing candidates averaged 4,693 votes in 2015 and 4,792 in 2017.<sup>30</sup> At the same time, the average vote totals for winning candidates rose substantially from 6,398 in 2015 to 9,275 in 2017 with no reported increase in campaign expenditures—and indeed, with no reported campaign expenditures at all. This indicates that elections in East Ramapo are characterized by two opposing sets of slating organizations. Similar trends were widely reported across the South for decades. Groman, Handley, Niemi (1992); Davidson (1992).

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<sup>28</sup> For all disclosures of winning 2015 candidates, *see* ERCSD00017689; ERCSD00017685. For disclosures of winning 2017 candidates, *see* ERCSD00017617; ERCSD00017610; ERCSD00017602; ERCSD00017603; ERCSD00017594; ERCSD00017618; ERCSD00017601. We requested all campaign finance disclosures for each of the elections on which we were able to analyze racial voting patterns. There were not campaign finance disclosures available for every candidate in every election. Where there were gaps in a candidate's disclosure records, we assumed that there was no new information over the previous disclosures. Where there were no required disclosures for a candidate, we assumed that the candidate had no expenditures or contributions to disclose.

<sup>29</sup> For disclosures of losing 2015 candidates, *see* ERCSD00017679-684; ERCSD00017679-684; ERCSD00017679-684; ERCSD00017686. For disclosures of winning 2017 candidates, *see* ERCSD00017595; ERCSD00017611; ERCSD00017577; ERCSD00017582; ERCSD00017604.

<sup>30</sup> *See* East Ramapo Central School District, Annual Budget & Trustee Vote, Official Results, May 16, 2017, [http://www.ercsd.org/files/\\_eKIG5\\_/d3de2602f91b827a3745a49013852ec4/Attachment\\_A\\_-\\_Official\\_Budget\\_Vote\\_Results\\_-\\_2017\\_06-06-17.pdf](http://www.ercsd.org/files/_eKIG5_/d3de2602f91b827a3745a49013852ec4/Attachment_A_-_Official_Budget_Vote_Results_-_2017_06-06-17.pdf); East Ramapo Central School District, Annual Budget & Trustee Vote, Official Results, May 19, 2015, [http://www.ercsd.org/files/\\_TeCAI\\_/62dc7639ca48f4fc3745a49013852ec4/Official\\_Vote\\_Results\\_-\\_05-19-15.pdf](http://www.ercsd.org/files/_TeCAI_/62dc7639ca48f4fc3745a49013852ec4/Official_Vote_Results_-_05-19-15.pdf).

**C. East Ramapo has a Trend of Low and Decreasing Minority Political Participation**

56. Factor 5 considers the extent to which minority political is depressed and whether that depression is correlated with socioeconomic disparities among a variety of other circumstances.

57. Black and Latino voters report lower levels of turnout for Board elections relative to white voters. Our analysis shows an overall trend of decreasing minority turnout between 2013 and 2018. In our Preliminary Expert Report, Table 7 displayed the turnout rates for whites and minorities. Minority turnout rates are consistently lower than rates for whites, by 6 to 13 percentage points.

**TABLE 7: VOTER TURNOUT RATES BY RACE 2013 – 2017**

<b>RxC Turnout Estimates: Voted / CVAP</b>		
	<b>White</b>	<b>non-White</b>
2013 Turnout	.2250	.1620
2015 Turnout	.2197	.1451
2016 Turnout	.2473	.1263
2017 Turnout	.2876	.1529

58. One potential cause is that where there is racially-polarized voting and minority-preferred candidates regularly lose elections, research shows that minority voters tend to disengage out of futility. Lack of trust in the electoral system has been found to greatly reduce subsequent voter turnout. Birch (2010). Mozaffar and Schedler (2002) report evidence that when electoral systems are in place that make it seem as though the outcome is predetermined, voters withdraw and see less reason to cast their vote. As our analysis above shows, minorities in East Ramapo have experienced electoral futility with their preferred candidates defeated by increasingly wide margins in at least the last 14 contested elections.

59. In addition, imbalances in voter turnout for different racial or ethnic groups negatively and significantly affect minority group representation. Hajnal and Trounstein (2005) test whether these imbalances in racial group turnout affect who wins and who loses in local elections, where turnout is already generally lower than in national elections. Using prior theories from studies finding that turnout is already skewed by race, where white voters outvote all other racial categories at the local level (Leighley 2001; Verba, Schlozman, and Brady 1995), their study examines the effects of turnout on mayoral and city council elections. This analysis finds that Asian American and Latino representation on city councils and in mayors' offices is negatively impacted by low voter turnout compared to white representation in these offices. Any practices that serve to reduce voter participation rates are found to directly reduce opportunities for Latinos and Asian Americans to elect candidates of choice.

**D. Minority Candidates Have Experienced Relatively Little Success and Minority-Preferred Candidates Have Experienced No Recent Success**

60. Factor 7 considers the extent to which minority candidates have been elected in the jurisdiction.

61. Out of those 45 races, 32 races were contested and 13 races were uncontested. White candidates have won 25 out of those 32 contested races. Out of 32 contested races, 18 were interracial contests with minority candidates winning only 3 out of 18 (Young-Mercer def. Wieder in 2007, Ramirez def. White in 2015, Charles def. Foskew in 2016). We report a full table of every election since 2005, the candidates who won, lost, and their race or ethnicity in the Appendix A, Table 1.

62. In three out of the seven races won by minority candidates, the minority candidates were also incumbents (Charles def. Forrest in 2013; Charles def. Foskew in 2016, Germain def. Fields in 2016). Incumbency offers strong electoral benefits. As noted above,

Trounstone (2013) finds clear evidence of an incumbency advantage, especially in electoral contexts with low-turnout environments.

63. Out of the seven Board elections won by minority candidates, we have analyzed racial voting patterns in six out of seven. The one exception is a 2007 contest in which Suzanne Young-Mercer defeated Aron Wieder, for which data was not available. In each of the six contests we did analyze, minority candidates were elected only when they were the preferred candidates of a large white voting bloc and opposed by large majorities of black and Latino voters. Our analysis of racially-polarized voting in contested elections from 2013 through 2018 shows that no minority-preferred candidate has prevailed in the past 14 contested elections over 5 years.

64. The result is that no minority-preferred minority candidate has won since a Board election since at least 2007.

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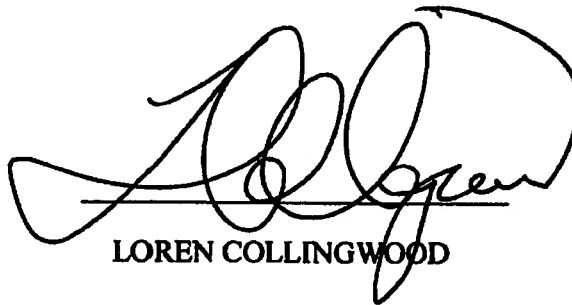
We reserve the right to continue to supplement the Expert Report in light of additional facts, testimony and/or materials that may come to light through the course of discovery or otherwise.

Pursuant to 28 U.S.C. § 1746, we declare under penalty of perjury that the foregoing is true and correct.

Executed on September 14, 2018  
Los Angeles County, California

A handwritten signature in black ink, appearing to read "Matt A. Barreto", written over a horizontal line.

MATTHEW A. BARRETO

A handwritten signature in black ink, appearing to read "Loren Collingwood", written over a horizontal line.

LOREN COLLINGWOOD

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#### **Other Documents Considered**

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ERCSD00017611  
ERCSD00017577  
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ERCSD00017604  
ERCSD00017618

**APPENDIX A****Table 1: Racial/Ethnic Backgrounds of Candidates by Year**

(W) denotes white

(B) denotes black

(L) denotes Latina/o

(I) denotes Incumbent

(Incumbent by Appointment) Incumbent holds office as a result of appointment by the Board to a vacant seat rather than holding seat as a result of election.

**2005**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	David Resnick (W)	Danielle Bright (B) (I)
Seat 2	Steven Rosenstock (W)	Georgine Hyde (W) (I)
Seat 3	Nathan Rothschild (W) (I)	

**2006**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Solomon Akerman (W)	
Seat 2	Akiva Feinsod (W)	Christian Sampson (B) (I)
Seat 3	Richard Stone (W) (I)	Suzanne Young-Mercer (B)

**2007**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Mimi Calhoun (W) (I)	David Kandel (W)
Seat 2	Stephen Price (W) (I)	Beverly Paige (B)
Seat 3	Suzanne Young-Mercer (B)	Aron Wieder (W)

**2008**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Aron Wieder (W)	Steven White (W)
Seat 2	Moshe Hopstein (W)	
Seat 3	Nathan Rothschild (W) (I)	

**2009**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Morris Kohn (W)	Leonardo Vera (L)	
Seat 2	Eliyahu Solomon (W) (I)	Margaret Hatton (W)	Carolyn Watson (W)
Seat 3	Richard Stone (W) (I)	Emilia White (B)	

**2010**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Moses Friedman (W)	Antonio Luciano (W)
Seat 2	Stephen Price (W) (I)	
Seat 3	Suzanne Young-Mercer (B) (I)	

**2011**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Moshe Hopstein (W) (I)	Margaret Hatton (W)
Seat 2	Yehuda Weissmandl (W)	Antonio Luciano (W)
Seat 3	Daniel Schwartz (W)	Carole Anderson (B)

Seat 4	JoAnn Thompson (B) (I) (Incumbent by appointment)	
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**2012**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Jacob Lefkowitz (W)	Hiram Rivera (L)
Seat 2	Eliyahu Solomon (W) (I)	Kim Foskew (W)
Seat 3	Yonah Rothman (W)	Joanne Thompson (B) (I)

**2013**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Maraluz Corado (L)	Margaet Tuck (B)
Seat 2	Pierre Germain (B)	Eustache Clerveaux (B)
Seat 3	Bernard Charles (B) (I) (Incumbent by appointment)	Robert Forrest (B)

**2014**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Moshe Hopstein (W) (I)	
Seat 2	David Wanounou (W) (I) (Incumbent by appointment)	
Seat 3	Yehuda Weissmandl (W) (I)	
Seat 4	Harry Grossman (W) (I) (Incumbent by appointment)	

**2015**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Jacob Lefkowitz (W) (I)	Sabrina Charles-Pierre (B)	Alan Keith Jones (B)
Seat 2	Yonah Rothman (W) (I)	Natashia Morales (L)	
Seat 3	Juan Pablo Ramirez (L)	Steven White (W)	Yisroel Eisenbach (W)

**2016**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Bernard Charles (B) (I)	Kim Foskew (W)
Seat 2	Pierre Germain (B) (I)	Jean Fields (B)
Seat 3	Yehuda Weissmandl (W) (I)	Natashia Morales (L)
Seat 4	Sabrina Charles-Pierre (B) (I) (Incumbent by Appointment)	

**2017**

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Mark Berkowitz (W)	Alexandra Manigo (W)
Seat 2	Harry Grossman (W) (I)	Eric Goodwin (B)
Seat 3	Joel Freilich (W)	Chevon Dos Reis (L)

2018

	<b>Winning Candidate (Race) (Incumbency)</b>	<b>Losing Candidate (Race) (Incumbency)</b>
Seat 1	Yoel Trieger (W)	Moster (W)
Seat 2	Ephraim Weissmandl (W)	Jose Cintron (L)
Seat 3	Sabrina Charles-Pierre (B) (I)	

Sources for Table 1 of Appendix A:

East Ramapo Central School District, Election Results 2008 to present,  
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**APPENDIX A CONTINUED****2013 Analysis**

<b>Candidate</b>	<b>EI: Pct Minority</b>	<b>EI: Pct White</b>
pct_tuck	94.511	25.150
se	0.896	0.213
pct_corado	4.790	74.769
se	0.622	0.242
Total	99.301	99.919

<b>Candidate</b>	<b>RxC: Minority</b>	<b>RxC: White</b>
tuck	82.062	29.828
2.5	65.361	24.594
97.5	96.503	35.71
corado	17.938	70.172
2.5	3.497	64.29
97.5	34.639	75.406

<b>Candidate</b>	<b>EI: Pct Hisp</b>	<b>EI: Pct Black</b>	<b>EI: Pct White</b>
pct_tuck	99.981	98.309	25.230
se	0.014	1.648	0.333
pct_corado	2.409	3.305	74.744
se	5.214	5.784	0.316
Total	102.390	101.614	99.974

<b>Candidate</b>	<b>RxC: Hispanic</b>	<b>RxC: Black</b>	<b>RxC White</b>
tuck	66.012	84.774	31.747
2.5	37.098	65.673	27.334
97.5	89.217	98.335	36.525
corado	33.988	15.226	68.253
2.5	10.783	1.665	63.475
97.5	62.902	34.327	72.666

<b>Candidate</b>	<b>EI: Pct Minority</b>	<b>EI: Pct White</b>
pct_clerveaux	80.989	28.308
se	3.097	0.863
pct_germain	19.482	71.216
se	3.052	0.950
Total	100.471	99.524

Candidate	RxC: Minority	RxC: White
clerveaux	80.968	29.014
2.5	64.66	24.014
97.5	94.855	34.684
germain	19.032	70.986
2.5	5.145	65.316
97.5	35.34	75.986

Candidate	EI: Pct Hisp	EI: Pct Black	EI: Pct White
pct_clerveaux	90.494	93.847	28.935
se	8.180	6.463	2.841
pct_germain	6.845	5.320	70.427
se	6.733	5.221	2.979
Total	97.339	99.167	99.362

Candidate	RxC: Hispanic	RxC: Black	RxC White
clerveaux	61.363	74.355	33.209
2.5	26.332	53.027	27.925
97.5	90.072	93.081	37.978
germain	38.637	25.645	66.791
2.5	9.928	6.919	62.022
97.5	73.668	46.973	72.075

Candidate	EI: Pct Minority	EI: Pct White
pct_charles	26.330	67.699
se	0.317	0.413
pct_forrest	72.590	32.744
se	3.839	0.748
Total	98.921	100.443

Candidate	RxC: Minority	RxC: White
forrest	75.946	31.509
2.5	60.337	26.61
97.5	89.693	36.982
charles	24.054	68.491
2.5	10.307	63.018
97.5	39.663	73.39

Candidate	EI: Pct Hisp	EI: Pct Black	EI: Pct White
pct_charles	10.376	3.823	67.534
se	8.010	4.913	0.908
pct_forrest	91.136	93.237	31.174
se	8.050	6.907	2.570
Total	101.512	97.060	98.707

Candidate	RxC: Hispanic	RxC: Black	RxC white
forrest	56.477	78.424	33.592
2.5	22.63	58.997	29.494
97.5	86.823	93.254	37.989
charles	43.523	21.576	66.408
2.5	13.177	6.746	62.011
97.5	77.37	41.003	70.506

**2016 Analysis**

Candidate	EI: Pct Minority	EI: Pct White
pct_charles	14.368	79.399
se	0.337	0.325
pct_foskew	85.608	20.586
se	0.838	0.124
Total	99.976	99.985

Candidate	RxC: Minority	RxC: White
charles	22.872	76.99
2.5	6.546	72.084
97.5	43.85	81.109
foskew	77.128	23.01
2.5	56.15	18.891
97.5	93.454	27.916

Candidate	EI: Pct Latino	EI: Pct Black	EI: Pct White
pct_charles	5.222	16.526	77.259
se	4.443	15.006	0.260
pct_foskew	89.435	93.725	22.667
se	7.261	7.203	0.019
Total	94.657	110.251	99.926

Candidate	RxC: Hispanic	RxC: Black	RxC white
charles	40.824	24.844	75.096
2.5	10.843	4.917	70.99
97.5	76.438	51.232	78.801
foskew	59.176	75.156	24.904
2.5	23.562	48.768	21.199
97.5	89.157	95.083	29.01

Candidate	EI: Pct Minority	EI: Pct White
pct_germain	17.244	77.302
se	2.347	0.065
pct_fields	83.238	22.673
se	1.178	0.110
Total	100.481	99.975

Candidate	RxC: Minority	RxC: White
germain	20.764	75.986
2.5	4.741	70.893
97.5	42.14	80.172
fields	79.236	24.014
2.5	57.86	19.828
97.5	95.259	29.107

Candidate	EI: Pct Latino	EI: Pct Black	EI: Pct White
pct_germain	0.317	3.884	77.129
se	0.303	3.797	0.458
pct_fields	97.103	90.166	22.566
se	4.256	10.709	0.500
Total	97.420	94.050	99.694

Candidate	RxC: Hispanic	RxC: Black	RxC White
germaine	40.531	23.825	73.781
2.5	10.426	5.116	69.959
97.5	76.565	48.406	77.358
fields	59.469	76.175	26.219
2.5	23.435	51.594	22.642
97.5	89.574	94.884	30.041

Candidate	EI: Pct Minority	EI: Pct White
pct_weissmandl	2.119	77.665
se	1.851	1.215
pct_morales	95.136	22.162
se	4.913	1.019
Total	97.255	99.827

Candidate	RxC: Minority	RxC: White
weissmandl	15.908	74.371
2.5	2.717	69.969
97.5	34.408	78.231
morales	84.092	25.629
2.5	65.592	21.769
97.5	97.283	30.031

Candidate	EI: Pct Latino	EI: Pct Black	EI: Pct White
pct_weissmandl	3.105	2.536	77.928
se	7.605	3.443	0.770
pct_morales	97.838	95.868	22.272
se	4.666	4.245	0.959
Total	100.943	98.404	100.200

Candidate	RxC: Hispanic	RxC: Black	RxC White
weissmandl	36.565	18.738	72.048
2.5	8.84	3.693	68.777
97.5	71.771	39.3	75.194
morales	63.435	81.262	27.952
2.5	28.229	60.7	24.806
97.5	91.16	96.307	31.223

**2017 Analysis with Catalist data**

Candidate	EI: Pct Minority	EI: Pct White
pct_berkowitz	97.317	18.954
se	3.089	0.642
pct_manigo	2.582	80.735
se	3.234	0.839
Total	99.899	99.689

Candidate	RxC: Minority	RxC: White
pct_berkowitz	12.749	24.45
2.5	2.99	16.395
97.5	25.059	30.861
pct_manigo	87.251	75.55
2.5	74.941	69.139
97.5	97.01	83.605

Candidate	EI: Pct Hisp	EI: Pct Black	EI: Pct White
pct_berkowitz	5.166	2.984	80.702
se	4.619	2.807	0.394
pct_manigo	92.789	96.084	21.438
se	6.953	3.234	0.232
Total	97.955	99.068	102.140

Candidate	RxC: Hispanic	RxC: Black	RxC White
berkowitz	37.203	16.952	74.881
2.5	9.371	2.869	71.565
97.5	73.779	37.95	78.084
manigo	62.797	83.048	25.119
2.5	26.221	62.05	21.916
97.5	90.629	97.131	28.435

Candidate	EI: Minority	EI: Pct White
pct_goodwin	97.993	18.898
se	2.371	0.615
pct_grossman	2.779	80.588
se	3.017	0.931
Total	100.773	99.486

Candidate	RxC: Minority	RxC: White
goodwin	83.78	22.407
2.5	65.327	18.945
97.5	96.899	27.049
grossman	16.22	77.593
2.5	3.101	72.951
97.5	34.673	81.055

Candidate	EI: Pct Hisp	EI: Pct Black	EI: Pct White
pct_goodwin	94.615	96.224	18.999
se	5.499	4.354	0.716
pct_grossman	3.236	2.288	80.210
se	5.008	2.939	1.212
Total	97.852	98.512	99.210

Candidate	RxC: Hispanic	RxC: Black	RxC White
goodwin	64.569	79.732	25.46
2.5	29.932	57.549	22.291
97.5	91.146	96.177	29.072
grossman	35.431	20.268	74.54
2.5	8.854	3.823	70.928
97.5	70.068	42.451	77.709

Candidate	EI: Pct Minority	EI: Pct White
pct_frielich	3.357	84.206
se	0.322	0.088
pct_dosreis	96.450	15.914
se	0.617	0.625
Total	99.807	100.120

	RxC: Minority	RxC: White
Candidate dosreis	80.061	20.085
2.5	52.119	15.798
97.5	96.531	27.232
Candidate frielich	19.939	79.915
2.5	3.469	72.768
97.5	47.881	84.202

Candidate	EI: Pct Hisp	EI: Pct Black	EI: Pct White
pct_frielich	2.232	0.742	84.103
se	1.999	0.260	0.423
pct_dosreis	90.323	94.658	15.694
se	9.372	6.055	0.026
Total	92.556	95.400	99.796

Candidate	RxC: Hispanic	RxC: Black	RxC White
dosreis	63.561	77.629	22.266
2.5	29.817	52.755	18.555
97.5	91.206	95.767	26.643
frielich	36.439	22.371	77.734
2.5	8.794	4.233	73.357
97.5	70.183	47.245	81.445

### 2018 Analysis

Candidate	EI: Pct Minority	EI: Pct White
pct_trienger	39.771	84.514
se	4.140	0.652
pct_moster	60.526	15.207
se	4.053	0.543
Total	100.297	99.722

Candidate	RxC: Minority	RxC: White
moster	82.261	34.746
2.5	63.954	30.35
97.5	95.728	40.052
trienger	17.739	65.254
2.5	4.272	59.948
97.5	36.046	69.65



Candidate	EI: Pct Latino	EI: Pct Black	EI: Pct White
pct_trienger	2.685	19.789	85.359
se	0.206	2.398	0.156
pct_moster	97.267	71.982	14.420
se	0.201	5.383	0.172
Total	99.953	91.771	99.778

Candidate	RxC: Hispanic	RxC: Black	RxC White
pct_trienger	39.069	17.746	62.302
2.5	10.99	3.965	58.486
97.5	72.84	37.286	65.914
pct_moster	60.931	82.254	37.698
2.5	27.16	62.714	34.086
97.5	89.01	96.035	41.514

Candidate	EI: Pct Minority	EI: Pct White
pct_cintron	68.524	17.461
se	2.359	0.473
pct_weissmandl	31.198	82.576
se	2.339	0.316
Total	99.723	100.038

Candidate	RxC: Minority	RxC: White
cintron	78.455	16.783
2.5	60.902	14.644
97.5	91.824	19.471
weissmandl	21.545	83.217
2.5	8.176	80.529
97.5	39.098	85.356

Candidate	EI: Pct Latino	EI: Pct Black	EI: Pct White
pct_cintron	94.759	91.385	17.400
se	0.594	0.994	0.298
pct_weissmandl	1.728	4.988	82.569
se	3.206	0.320	0.325
Total	96.488	96.373	99.969

Candidate	RxC: Hispanic	RxC: Black	RxC White
cintron	59.716	84.145	17.216
2.5	27.621	64.966	15.505
97.5	86.511	96.928	19.245
weissmandl	40.284	15.855	82.784
2.5	13.489	3.072	80.755
97.5	72.379	35.034	84.495



# APPENDIX B

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
SPRING VALLEY BRANCH; JULIO  
CLERVEAUX, CHEVON DOS REIS; ERIC  
GOODWIN; JOSE VITELIO GREGORIO;  
DOROTHY MILLER; HILLARY MOREAU;  
AND WASHINGTON SANCHEZ,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL  
DISTRICT AND MARYELLEN ELIA, IN  
HER CAPACITY AS THE  
COMMISSIONER OF EDUCATION OF  
THE STATE OF NEW YORK,

Defendants.

17 Civ. 8943 (CS) (JCM)

**DECLARATION OF DR. MATTHEW A. BARRETO**

Dr. Matthew A. Barreto, pursuant to provisions of 28 U.S.C. § 1746, declares as follows:

1. I respectfully submit this declaration on behalf of Plaintiffs in the above-captioned action.
2. I have been retained by Latham & Watkins LLP and the New York Civil Liberties Union Foundation, counsel for Plaintiffs in the above-captioned litigation, to prepare an expert opinion regarding the existence and extent of racially-polarized voting in the East Ramapo Central School District, located in Rockland County, New York.
3. Attached to this Declaration as Exhibit A is a copy of my preliminary expert report (the "Preliminary Expert Report"). My findings and conclusions are contained therein.

4. I co-authored the Preliminary Expert Report with Dr. Loren Collingwood, Assistant Professor of Political Science at the University of California, Riverside, and he has submitted his own declaration summarizing his qualifications.

5. I know of the facts set forth in this declaration based on my own personal knowledge, and could and would competently testify to those facts if asked to do so.

6. Attached to this Declaration as Exhibit B is a copy of my curriculum vitae, which sets forth my qualifications, including a list of all publications I have authored within the past 10 years and a listing of cases in which I have served as an expert or a consultant.

7. I am compensated at the rate of \$300 per hour for my work.

8. I reserve the right to continue to supplement the Preliminary Expert Report in light of additional facts, testimony and/or materials that may come to light through the course of discovery or otherwise.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 29, 2018  
Los Angeles County, California



MATTHEW A. BARRETO

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
SPRING VALLEY BRANCH; JULIO  
CLERVEAUX, CHEVON DOS REIS; ERIC  
GOODWIN; JOSE VITELIO GREGORIO;  
DOROTHY MILLER; HILLARY MOREAU;  
AND WASHINGTON SANCHEZ,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL  
DISTRICT AND MARYELLEN ELIA, IN  
HER CAPACITY AS THE  
COMMISSIONER OF EDUCATION OF  
THE STATE OF NEW YORK,

Defendants.

17 Civ. 8943 (CS) (JCM)

**DECLARATION OF LOREN COLLINGWOOD, PhD.**

Dr. Loren Collingwood, pursuant to provisions of 28 U.S.C. § 1746, declares as follows:

1. I respectfully submit this declaration on behalf of Plaintiffs in the above-captioned action.

2. I have been retained by Latham & Watkins LLP and the New York Civil Liberties Union Foundation, counsel for Plaintiffs in the above-captioned litigation, to prepare an expert opinion regarding the existence and extent of racially-polarized voting in the East Ramapo Central School District, located in Rockland County, New York.

3. I co-authored the preliminary expert report attached as Exhibit A to the Declaration of Dr. Matthew A. Barreto (the "Preliminary Expert Report"), Professor of Political

Science and Chicano Studies at the University of California, Los Angeles, and he has submitted his own declaration summarizing his qualifications.

4. I know of the facts set forth in the Preliminary Expert Report of my own personal knowledge, and could and would competently testify to those facts if asked to do so.

5. I am currently Assistant Professor of Political Science at the University of California, Riverside. I conduct statistical modeling and analysis for the research firms Latino Decisions; Greenberg Quinlan Rosner Research; and National Democratic Institute.

6. I have taught courses on mass media and public opinion; state politics and public policy; race and ethnic politics; electoral politics; and quantitative methods and statistical programming for Ph.D. students.

7. I earned a Ph.D. in Political Science at the University of Washington in 2012 with an emphasis on racial and ethnic politics in the United States, political behavior, campaigns and elections, and public opinion.

8. I have published peer-reviewed academic research papers on voting patterns among Latinos, African Americans and Anglos, and specifically on racially polarized voting, and in full, I have published (or forthcoming) 29 journal articles and book chapters which have been vetted through the social science review process. I have also authored or co-authored six R packages (a statistical software system).

9. I have conducted demographic, census and voting analysis in voting rights redistricting lawsuits in multiple cases in California, including in Los Angeles County, Riverside County, San Mateo County, and Monterey County.

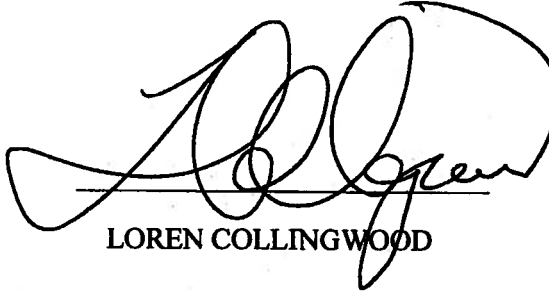


10. A reasonable and accurate summary of my qualifications, publications and activities are set forth fully in my curriculum vitae, a true and correct copy of which is attached to the Expert Report as Exhibit C.

11. I am compensated at the rate of \$300 per hour for my work.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 29, 2018  
Los Angeles, California



LOREN COLLINGWOOD

# EXHIBIT A

**PRELIMINARY EXPERT REPORT OF  
MATTHEW A. BARRETO, PhD. & LOREN COLLINGWOOD, PhD.**

**I. QUALIFICATIONS**

1. I am currently a Professor of Political Science and Chicana/o Studies at the University of California, Los Angeles and Faculty Director of the Latino Policy & Politics Initiative. I am the co-founder of the research firm Latino Decisions. In January 2015, I accepted an appointment at the level of Full Professor at the University of California, Los Angeles (UCLA) in the departments of Political Science and Chicana/o Studies. Before I joined UCLA, I was a Professor at the University of Washington for more than nine years. At the University of Washington, I was an affiliated faculty member of the Center for Statistics and the Social Sciences (CSSS), and an adjunct Associate Professor of Law at the University's law school, where I served as Director of the University of Washington Law Center for Democracy and Voting Rights.

2. I have taught courses on the Voting Rights Act, Racial and Ethnic Politics, Electoral Politics, Public Opinion, Immigration, Demographics, Qualitative Research Methods, Introduction to Statistical Analysis and Advanced Statistical Analysis for Ph.D. students.

3. I earned a Ph.D. in Political Science at the University of California, Irvine in 2005, with an emphasis on racial and ethnic politics in the United States, political behavior, demographics, and public opinion.

4. I have published peer-reviewed academic research papers on voting patterns among Latinos, African Americans and whites, and specifically on racially polarized voting and the Voting Rights Act, and I have published four books and 60 journal articles and book chapters, which have been vetted through the social science review process.

5. I have conducted demographic, census and voting analyses in voting rights redistricting lawsuits in multiple cases in Washington, California, Texas and Florida.

## **II. SCOPE OF WORK**

6. We were retained by the law firm of Latham & Watkins LLP and the New York Civil Liberties Union Foundation to examine the degree to which elections for Board Members of the East Ramapo Central School District (“East Ramapo”) are characterized, or not, by racially polarized voting between whites and non-whites, and the extent to which white or non-white candidates of choice are regularly elected to the Board of Education (the “Board”).

## **III. OVERVIEW OF PRELIMINARY EXPERT REPORT**

7. The primary aim of this Preliminary Expert Report is to examine whether evidence of racially polarized voting exists in elections for East Ramapo and to determine, if racially polarized voting does exist, whether these patterns undermine black and Latino electoral interests in elections, or whether blacks and Latinos are able to effectively elect candidates of choice to the Board.

8. The focus of this inquiry is whether blacks and/or Latinos vote differently from whites, and whether bloc voting by whites against black and Latino candidates of choice is diluting the votes of black and Latino voters and systematically preventing those minority voters from electing their candidates of choice to Board seats. To assess voting patterns, we relied on both King’s Ecological Inference (EI) and Rosen et al.’s EI RxC, which have both been used extensively in legal research and legal actions for voting rights analyses to assess the *Gingles* conditions of minority cohesion and white bloc voting. We also performed a Bayesian Improved

Surname and Geocoding<sup>1</sup> (BISG) analysis on the voters in the 2017 election, which has also been adopted and augmented in the analysis of elections, to estimate the number of black, white, and Latino voters who actually turned out to vote.<sup>2</sup> We intend to apply BISG methodology to all voter files for East Ramapo elections since 2013 that can be digitized into a useable format.

9. For this Preliminary Expert Report, we investigated the existence of polarization between white and non-white voters using data on citizen voting age population (CVAP) for all contests for seats on the Board from 2013 to 2017. We examined the voting patterns for black, white, and Latino voters based on the application of BISG to actual voter turnout in the 2017 Board election. Finally, we investigated the existence of racially polarized voting in the general election for President of the United States in 2012 by estimating the candidate preferences of black, white, and Latino voters. In total, we were able to conduct a preliminary examination of voting patterns for 28 candidates across 13 elections, which are summarized in Table 1 below.

10. Overall, the official precinct data and ecological analyses point to a clear pattern of racially polarized voting in East Ramapo elections. Based on this preliminary investigation, we conclude that across every election analyzed, whites bloc vote at high rates and have elected their candidates of choice to the Board in every instance. We also conclude that black and

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<sup>1</sup> See Marc N. Elliott et al., “Using the Census Bureau’s surname list to improve estimates of race/ethnicity and associated disparities,” *Health Services Outcome Research Methods*, vol. 9, at 69-83 (2009).

<sup>2</sup> As Plaintiffs’ counsel noted in the Court-conference on July 12, 2018, we are providing this method of analysis for one election only at this time in order to preview the methodology to the District. We reserve the right to supplement our analysis with data from additional elections and from external sources that perform the same or similar analyses on voting populations. We also reserve the right to supplement and revise our conclusions and findings to the extent necessitated by performing a similar analysis on additional elections. We also reserve the right to perform additional quality control and validation on the analyses presented here.

Latino voters are cohesive, and their candidates of choice are regularly blocked from winning by unified white voting.

#### IV. RACIALLY POLARIZED VOTING

11. An analysis of racially polarized voting is a key component of claims brought under Section 2 of the Voting Rights Act.<sup>3</sup> Traditionally, challengers under Section 2 submit evidence of minority political cohesiveness and majority bloc voting against minority interests through a racially polarized voting analysis, among other evidence. Racially polarized voting occurs when minority and non-minority voters favor different candidates, or would have elected different candidates to office, when a minority candidate of choice is running for office.

12. Because individual level vote choice is often unknown in local elections (*i.e.* through an exit poll), the voting patterns of white and minority voters must be inferred using statistical methods. Information regarding the candidates for which each individual voter actually cast his or her ballot are not available from public sources. The only information available is whether or not an individual voted. The estimates of the relative candidate preferences of blacks, Latino, and white voters, and of those other voters participating in the election, are derived through a statistical method known as EI developed by Prof. Gary King.<sup>4</sup> Since the late 1990s, EI “has been the benchmark method courts use in evaluating racial polarization in voting rights lawsuits, and has been used widely in comparative politics research

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<sup>3</sup> See *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986); see also *Pope v. Cnty. of Albany*, 687 F.3d 565 (2d Cir. 2012); *Goosby v. Town Bd. of Town of Hempstead*, 180 F.3d 476 (2d Cir. 1999); *NAACP v. City of Niagara Falls*, 65 F.3d 1002 (2d Cir. 1995); *United States v. Vill. of Port Chester*, 704 F. Supp. 2d 411 (S.D.N.Y. 2010).

<sup>4</sup> See Gary King, *A Solution to the Ecological Inference Problem Reconstructing Individual Behavior from Aggregate Data*, Princeton University Press (1997).

on group and ethnic voting patterns.”<sup>5</sup> Two variations of EI that have emerged are referred to as King’s EI and EI: RxC. The two methods are closely related, and Prof. King was a co-author and collaborator on the RxC method.<sup>6</sup> Generally speaking, both methods take ecological data in the aggregate – such as precinct vote totals – and use Bayesian statistical methods to find voting patterns by regressing candidate choice against racial demographics within the aggregate precinct. King’s EI is sometimes referred to as the iterative approach, in that it runs a 2-by-2 analysis of each candidate and each racial group, in iterations, whereas the RxC method allows multiple rows and multiple columns to be estimated simultaneously in one model. In our research, we have found that the two methods provide very consistent results and can be used in tandem to provide greater confidence in results.

13. We conducted our analysis of contested elections in East Ramapo from 2012 to 2017 in four parts: First, we analyzed whether or not whites in East Ramapo vote in a bloc, and whether or not they elect their candidates of choice to the Board. To this end, we applied both King’s EI and Rosen et. al.’s RxC to the election results and data on the CVAP of each polling place to assess how whites voted across Board elections from 2013 to 2017 in contested elections with two or more candidates. Second, once we determined how whites voted, using basic algebra, we then estimated how non-whites<sup>7</sup> voted, given the share of the electorate that each group comprised. Third, we concluded with a full comparison of ecological inference analysis of

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<sup>5</sup> Loren Collingwood, Kassra Oskooii, Sergio Garcia-Rios, and Matt Barreto, “eiCompare: Comparing Ecological Inference Estimates across EI and EI:R x C,” *The R Journal*, vol. 8, at 93 (2016).

<sup>6</sup> See Ori Rosen, Wenxin Jiang, Gary King, and Martin Tanner, “Bayesian and frequentist inference for ecological inference: the R x C case,” *Statistica Neerlandica*, vol. 55, at 134-46 (2001).

<sup>7</sup> The term “non-white” as used herein refers to individuals who identify as black, Latino or other, while “white” refers to those who identify as white, non-Hispanic.



white, black, and Latino vote estimates for the three 2017 Board contests, the only District voter file to which we have been able to apply BISG at the time of the service of this report. Finally, we present vote choice estimates for an exogenous election, the 2012 Presidential election.<sup>8</sup>

**A. Ecological Inference from Precinct Data**

14. We have compiled data on the percentage of CVAP who are black, Latino, white, or other, by precinct, and merged that with precinct-level voter choice from relevant election results for East Ramapo from 2013-2017 as well as the 2012 Presidential election. All election data were derived from the East Ramapo election results provided to us by counsel for the Plaintiffs. We understand counsel obtained the official election results for the Board elections from East Ramapo's website.<sup>9</sup> Racial demographic data at the precinct level were provided by Mr. William Cooper, an expert on demographics in New York. All data used herein came from publicly available sources or from the District and can be freely downloaded and/or reproduced upon request.

15. In addition to using CVAP data to assess white and non-white voting patterns, we also relied on demographic data of the actual voters. While CVAP data can be useful, not all eligible voters actually vote, and differential turnout rates by race/ethnicity mean that CVAP data alone can be less reliable than also incorporating data on actual voters. For the 2017 election, we examined a list of all persons who voted in the Board election, totaling 14,343 names and addresses from the voter file, which was produced to Plaintiffs' counsel through discovery. For

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<sup>8</sup> In analyzing the 2012 Presidential Election, the large number of precincts and the variation in the racial composition of precincts allowed us to draw conclusions about black, white, and Latino voter patterns based on CVAP data, rather than actual turnout data.

<sup>9</sup> See East Ramapo Central School District, Election Results, [http://www.ercsd.org/pages/East\\_Ramapo\\_CSD/Departments/District\\_Clerk/Budget\\_Vote\\_and\\_Election\\_Infor/Election\\_Results\\_-\\_2008\\_to\\_pr](http://www.ercsd.org/pages/East_Ramapo_CSD/Departments/District_Clerk/Budget_Vote_and_Election_Infor/Election_Results_-_2008_to_pr)

the 2017 election, we were able to identify the racial/ethnic demographics of those who actually voted, a more precise measure of racial demographics than *eligible* voters in each precinct. We used this data to estimate voting patterns for whites, blacks, Latinos and “other” in the 2017 contests.

16. We analyzed all candidates for contested Board elections in East Ramapo from 2013 to 2017, which includes 26 candidates across 12 elections. We added an analysis of the 2012 presidential election, because a much larger set of voting precincts in East Ramapo was available to analyze for that election, allowing us to cross-check voting patterns against an exogenous election. The full set of candidates analyzed is summarized in Table 1.

**TABLE 1: SUMMARY OF ELECTIONS ANALYZED<sup>10</sup>**

<b>Election Year</b>	<b>Office</b>	<b>Candidates</b>	<b>Vote Share</b>	<b>Outcome</b>
<b>2013</b>	School Board	Charles	56.7	Won
		Forrest	43.0	Lost
<b>2013</b>	School Board	Germain	57.4	Won
		Clerveaux	42.3	Lost
<b>2013</b>	School Board	Corado	56.4	Won
		Tuck	43.4	Lost
<b>2015</b>	School Board	Lefkowitz	55.7	Won
		Charles-Pierre	40.2	Lost
		Jones	4.1	Lost
<b>2015</b>	School Board	Rothman	57.2	Won
		Morales	42.7	Lost
<b>2015</b>	School Board	Ramirez	54.9	Won
		White	40.3	Lost
		Eisenbach	4.8	Lost
<b>2016</b>	School Board	Charles	66.7	Won
		Foskew	33.2	Lost
<b>2016</b>	School Board	Germain	65.5	Won
		Fields	34.5	Lost
<b>2016</b>	School Board	Weissmandl	63.4	Won
		Morales	36.6	Lost
<b>2017</b>	School Board	Berkowitz	64.8	Won
		Manigo	35.1	Lost
<b>2017</b>	School Board	Grossman	65.0	Won
		Goodwin	34.9	Lost
<b>2017</b>	School Board	Freilich	67.9	Won
		Dos Reis	32.1	Lost
<b>2012</b>	President	Obama	55.4	Won
		Romney	43.5	Lost

17. We undertook an analytic approach that allowed for a reliable estimate of racially polarized voting using aggregate voter precinct data. To assess voting preferences, we employed both King's EI and EI:RxC using a statistical package that we developed with co-authors called

<sup>10</sup> In 2014, all candidates ran unopposed.

eiCompare for R.<sup>11</sup> These techniques make it possible to infer from aggregate level, voter precinct information how racial groups within given political sub-units – in this case East Ramapo – voted and whether or not blacks and Latinos voted differently than whites.

18. To assess the racial composition of the East Ramapo electorate with the greatest feasible accuracy, we also applied BISG to the voter file for the 2017 election using a statistical package for voter analysis developed by Imai and Khanna, the authors of a peer-reviewed article on this topic published in a leading journal on political science methodology.<sup>12</sup> BISG is a methodology that uses individual-level data, including a voter's surname, geographic location, and the racial composition of the voter's census tract or block to generate the probability that an individual belongs to a particular racial group where self-reported information is not available.

19. To apply BISG to the East Ramapo voter file, we examined the surnames and geographic location of each voter in the 2017 election from the voter file provided to Plaintiffs' counsel through discovery. Using the R package wru<sup>13</sup>, each voter was assigned a probability that they are of a given racial group in order to ascertain the number of voters from each racial group (white, black, Latino, or other) in each of the 10 precincts in the 2017 election. Applying that analysis at the precinct level, we were then able to make predictions about how racial groups within East Ramapo voted in the 2017 elections and whether or not blacks and Latinos voted differently than whites.

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<sup>11</sup> See *supra* n. 6, at 92-101.

<sup>12</sup> See Kosuke Imai and Kabir Khanna, "Improving Ecological Inference by Predicting Individual Ethnicity from Voter Registration Records," *Political Analysis* vol. 24, at 263-72 (2016).

<sup>13</sup> Kosuke Imai and Kabir Khanna, "wru: Who are You? Bayesian Prediction of Racial Category Using Surname and Geolocation," available at <https://cran.r-project.org/web/packages/wru/index.html>

### **Inquiry 1: Whether white bloc voting exists in East Ramapo**

20. We begin by presenting results on white voting patterns. The ecological estimates for whites have a high degree of confidence because the population of whites in East Ramapo is larger than the population of non-whites, and there is more variation in the percentage of the population that is white across the 10 voting precincts as reported in Table 2. This variation produces vote choice estimates that are quite stable and reliable. Across the 26 candidates for contested Board elections from 2013 – 2017, both the EI and the RxC estimates show high rates of white bloc voting, as reported in Table 3. The ecological estimates for EI and RxC also corroborate each other, suggesting more confidence and reliability of the white vote choice estimates, consistent across two different statistical models. The full set of results and corresponding statistical outputs for the ecological models can be found in Appendix A.

**TABLE 2: WHITE AND MINORITY CVAP BY PRECINCT IN EAST RAMAPO CSD**

prec	name	pct white	pct minority
1	Lime Kiln	0.9022	0.0978
2	Summit Park	0.5915	0.4085
3	Kakiat	0.9272	0.0728
4	Ramapo HS	0.9674	0.0326
5	Hillcrest	0.5517	0.4483
6	Kurtz Center	0.2319	0.7681
7	Spring Valley	0.6051	0.3949
8	Margetts	0.7164	0.2836
9	Chestnut Ridge	0.6162	0.3838
10	Hempstead	0.3186	0.6814

**TABLE 3: ESTIMATED WHITE VOTE IN EAST RAMAPO CSD ELECTIONS**

			White preferred Candidate won
2017	EI	RxC	
Berkowitz	78	77	Yes
Manigo	23	23	
Grossman	79	77	Yes
Goodwin	22	23	
Freilich	80	79	Yes
Dos Reis	20	21	
2016	EI	RxC	
Charles	78	77	
Foskew	21	23	
Germain	77	76	
Fields	22	24	
Weissmandl	75	76	
Morales	25	24	
2015	EI	RxC	
Lefkowitz	71	72	Yes
Charles-Pierre	23	27	
Jones	3	1	
Rothman	72	72	Yes
Morales	28	28	
Ramirez	72	69	Yes
White	26	27	
Eisenbach	7	5	
2013	EI	RxC	
Charles	70	69	Yes
Forrest	30	31	
Germain	72	71	Yes
Clerveaux	28	29	
Corado	72	70	Yes
Tuck	28	30	

21. In every single election to the Board from 2013 to 2017, the white-preferred candidate won, and won with strong evidence of bloc voting among whites in East Ramapo. Based on this analysis of CVAP data, typically, white voters provide on average 73.4% (RxC



average) to 74.3% (EI average) bloc vote in favor of their preferred candidate. There is no question that a majority of whites delivered the votes necessary to elect their candidates of choice to office.

## **Inquiry 2: Whether cohesive voting among non-whites exists in East Ramapo**

22. Now that we have established reliable point estimates for white voters, we can easily determine how non-whites voted, using some basic algebra to solve the unknown quantity. Starting with what we do know, we know exactly how many ballots were cast, and we know exactly how many ballots each candidate received. Table 3 above provides information on how white voters cast their ballots, therefore leaving the votes for non-whites missing. Yet, given that we have the other pieces of information, we can solve the equation for how non-whites voted.

23. Quite simply: *Total votes for candidate<sub>1</sub> (y) = white votes for candidate (x1) + non-white votes for candidate (x2)*. Where we have the values for x1 and x2, as we do here, then we can solve for y.

24. The only other piece of information we need is what share of all total voters were white versus non-white (*i.e.* voter turnout for whites versus non-whites). This information is obtained using ecological inference techniques, and is stated as one of the parameters that social scientists may wish to derive using ecological inference by Prof. King, the author of the statistical model. In fact, when running either EI or RxC, the models will generate turnout estimates for whites and non-whites and store those estimates, to be used as part of generating the overall vote choice percentages.

25. We start by using the 2017 election between Berkowitz and Manigo as an example to illustrate how we are able to produce reliable vote choice estimates for both whites and non-whites. First, the ecological inference models estimate white voter turnout to be 28.76%



and non-white turnout to be 15.29%. Based on those estimates, we can calculate how many total white and non-white voters participated in the 2017 election, as reported in Table 4:

**TABLE 4: 2017 ELECTION VOTER TURNOUT BY RACE**

	Turnout	CVAP	Votes	Share
White	0.2876	36,472	10,491	74.2%
Non-White	0.1529	23,851	3,648	25.8%
Total	0.2344	60,323	14,139	1.00

26. Now that we know how many total white and non-white voters cast ballots in the 2017 election, we can use simple algebra to solve how non-whites voted, relying on our white vote choice estimates reported above in section 1. For example, in the election between Berkowitz and Manigo, we are confident that whites cast 10,491 ballots given their turnout rate of 28.76% (36,472 CVAP x 28.76 turnout rate = 10,491 votes cast) and that non-whites cast 3,648 ballots given their turnout rate of 15.29%. From the vote choice estimates reported above in Table 2, the RxC model suggests that 77% of whites voted for Berkowitz and 23% voted for Manigo. Thus,  $10,491 \text{ votes} \times 77\% = 8,078 \text{ votes for Berkowitz}$ . We know for certain that Berkowitz received 9,158 total votes in the election, and if 8,078 came from whites, then it must be that the remainder of his votes, 1,080, came from non-whites. In total, non-whites cast 3,648 total ballots, of which 1,080 went to Berkowitz, meaning that he received exactly 30% of the non-white vote, leaving 70% of the non-white vote, or 2,551 raw votes, in favor of Manigo. The math for this formula is depicted in Table 5:

**TABLE 5: ESTIMATED WHITE AND NON-WHITE VOTE IN 2017 ELECTION**

	Known quantities			Estimated quantities			Total
	RxC results	total voters	raw votes for each	estimated Results	total voters	raw votes for each	
Berkowitz	0.77	10,491	8,078	0.30	3,648	1,080	9,158
Manigo	0.23	10,491	2,413	0.70	3,648	2,551	4,964

27. Not only do the results show that a clear majority of non-whites had to have cast their ballots for Manigo in order for her to gain a total of 4,964 – as reported by the official election results – but further, the results show that no matter how non-whites had voted, there was no way they could have overcome the white bloc voting in favor of Berkowitz. In Table 6 we provide a hypothetical simulation in which 100% of non-whites voted cohesively for Manigo, giving her all 3,648 of their votes. In this instance, Manigo would have tallied 6,061 total votes versus 8,078 total votes that Berkowitz received from whites, giving him 57% overall to win the election. Even if we set the white vote at its lowest statistical possibility of 72% for Berkowitz, the same results hold with non-white voters having no ability to overcome the strong white bloc voting that ensured a Berkowitz victory, even if every single non-white voter preferred Manigo.

**TABLE 6: SIMULATION IN WHICH NON-WHITES VOTE 100% FOR MANIGO**

	Among white voters			Among non-white voters			Total	Share
	RxC results	total voters	raw votes for each	simulated results	total voters	raw votes for each		
Berkowitz	0.77	10,491	8,078	0.00	3,648	-	8,078	0.57
Manigo	0.23	10,491	2,413	1.00	3,648	3,648	6,061	0.43

28. The same basic math that we applied to the 2017 Berkowitz-Manigo election can be applied to every single election to the Board, starting with the vote choice estimates for

whites, determining the number of white votes for each candidate, and then extracting the non-white vote from the remainder. The first step is estimating the different turnout rates by whites and non-whites in each election so that we can determine how many total ballots were cast by whites and minorities. These results are presented in Table 7.

**TABLE 7: VOTER TURNOUT RATES BY RACE 2013 – 2017**

<b>RxC Turnout Estimates: Voted / CVAP</b>		
	<b>White</b>	<b>non-White</b>
2013 Turnout	.2250	.1620
2015 Turnout	.2197	.1451
2016 Turnout	.2473	.1263
2017 Turnout	.2876	.1529

29. Next, in Tables 8 – 11, we present comparable data as in Table 5 above. Across every election analyzed, using the actual vote totals from the official election results and the ecological estimates (RxC) for white votes, a clear pattern emerges: non-white voters consistently vote cohesively for the candidate who loses. Because of the high degree of white bloc voting, whites are able to effectively control the election outcomes of East Ramapo Board elections and completely prevent blacks and Latinos from being able to elect their candidates of choice.

**TABLE 8: ESTIMATED WHITE AND NON-WHITE VOTE IN 2017 ELECTION**

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated Results	total voters	raw votes for each	
Berkowitz	0.77	10,491	8,078	0.30	3,648	1,080	9,158
Manigo	0.23	10,491	2,413	0.70	3,648	2,551	4,964

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	Total Voters	raw votes for each	
Grossman	0.77	10,437*	8,036	0.30	3,629*	1,101	9,137
Goodwin	0.23	10,437	2,401	0.69	3,629	2,509	4,910

\* the Grossman-Goodwin election had 73 fewer ballots cast than Berkowitz-Manigo

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Freilich	0.79	10,428*	8,238	0.36	3,617*	1,292	9,530
Dos Reis	0.21	10,428	2,190	0.64	3,617	2,313	4,503

\* the Freilich-Dos Reis election had 85 fewer ballots cast than Berkowitz-Manigo

**TABLE 9: ESTIMATED WHITE AND NON-WHITE VOTE IN 2016 ELECTION**

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Weissmandl	0.76	9,020	6,855	0.26	3,013	772	7,627
Morales	0.24	9,020	2,165	0.74	3,013	2,236	4,401

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Germain	0.76	8,964*	6,812	0.35	3,036*	1,048	7,860
Fields	0.24	8,964	2,151	0.65	3,036	1,986	4,137

*\* the Germain-Fields election had 33 fewer ballots cast than Weissmandl-Morales*

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Charles	0.77	8,929	6,875	0.36	3,024	1,098	7,973
Foskew	0.23	8,929	2,054	0.63	3,024	1,918	3,972

*\* the Charles-Foskew election had 80 fewer ballots cast than Weissmandl-Morales*

**TABLE 10: ESTIMATED WHITE AND NON-WHITE VOTE IN 2015 ELECTION**

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Ramirez	0.69	8,014	5,530	0.22	3,461	763	6,293
White	0.27	8,014	2,164	0.71	3,461	2,451	4,615
Eisenbach	0.05	8,014	401	0.04	3,461	155	556

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Lefkowitz	0.72	8,001*	5,760	0.18	3,455*	620	6,380
Charles-Pierre	0.27	8,001	2,160	0.71	3,455	2,440	4,600
Jones	0.01	8,001	80	0.11	3,455	388	468

*\* the Lefkowitz-Charles-Pierre election had 19 fewer ballots cast than Ramirez-White*

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Rothman	0.72	7,959*	5,730	0.23	3,437*	793	6,523
Morales	0.28	7,959	2,228	0.77	3,437	2,636	4,864

*\* the Rothman-Morales election had 79 fewer ballots cast than Ramirez-White*

**TABLE 11: ESTIMATED WHITE AND NON-WHITE VOTE IN 2013 ELECTION**

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Corado	0.70	8,206	5,744	0.27	3,864	1,062	6,806
Tuck	0.30	8,206	2,462	0.72	3,864	2,782	5,244

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Germain	0.71	8,171	5,802	0.29	3,848	1,097	6,899
Clerveaux	0.29	8,171	2,370	0.71	3,848	2,715	5,085

*\* the Germain-Clerveaux election had 79 fewer ballots cast than Corado-Tuck*

	Among white voters			Among non-white voters			Total
	RxC results	total voters	raw votes for each	estimated results	total voters	raw votes for each	
Charles	0.69	8,188 *	5,650	0.31	3,856*	1,183	6,833
Forrest	0.31	8,188	2,538	0.68	3,856	2,637	5,175

*\* the Charles-Forrest election had 26 fewer ballots cast than Corado-Tuck*

30. To provide further evidence for the non-white vote choice results estimated above, we next turn back to ecological inference models to estimate how non-white voters as a whole voted using precinct data. When the non-white vote is aggregated together, the population is larger, and the variation across the precincts is greater, which provides more information for the statistical models to rely on when generating estimates. This is especially important because with only 10 available precincts, having greater variation in the racial population data across precincts is preferred. The results in Table 12 point to clear and statistically reliable estimates of

minority vote cohesion. First, in each Board election, minority voters are cohesive, proving clear majority support for their candidate of choice. Second, in each Board election, the minority candidate of choice loses. This data is very consistent with the algebraic estimates provided above in Tables 8-11 and provides another method that again points to evidence of racially polarized voting. Moreover, because this analysis is based on CVAP data, rather than actual turnout data, and based on preliminary findings from our application of BISG to the 2017 voter file, we expect the data in Table 12 to represent a conservative (that is, relatively low) estimate of minority cohesion, compared to what actual turnout data would reflect once we conduct future analyses on additional elections.



**TABLE 12: EI AND RxC VOTE ESTIMATES FOR WHITES AND NON-WHITES**

2017	White vote			Non-white vote		
	EI	RxC		EI	RxC	
Berkowitz	78	77	Won	39	36	
Manigo	23	23		60	64	Blocked
Grossman	79	77	Won	38	37	
Goodwin	22	23		61	63	Blocked
Freilich	80	79	Won	42	43	
Dos Reis	20	21		58	57	Blocked

2016	White vote			Non-white vote		
	EI	RxC		EI	RxC	
Charles	78	77	Won	41	43	
Foskew	21	23		58	57	Blocked
Germain	77	76	Won	40	40	
Fields	22	24		60	60	Blocked
Weissmandl	75	76	Won	39	35	
Morales	25	24		61	65	Blocked

2015	White vote			Non-white vote		
	EI	RxC		EI	RxC	
Lefkowitz	71	72	Won	27	24	
Charles-Pierre	23	27		69	69	Blocked
Jones	3	1		6	7	
Rothman	72	72	Won	29	26	
Morales	28	28		70	73	Blocked
Ramirez	72	69	Won	17	27	
White	26	27		72	70	Blocked
Eisenbach	7	5		2	4	

2013	White vote			Non-white vote		
	EI	RxC		EI	RxC	
Charles	70	69	Won	32	30	
Forrest	30	31		68	70	Blocked
Germain	72	71	Won	25	30	
Clerveaux	28	29		74	70	Blocked
Corado	72	70	Won	23	29	
Tuck	28	30		77	71	Blocked

### Inquiry 3: Demographics of actual voters

31. Ecological statistical models, like EI and EI RxC used above, attempt to draw an inference regarding how groups voted using aggregate ecological data, often of *eligible* voters. Yet, when the data is available, it is helpful to examine how candidate vote choice varied across precincts given precinct racial demographics of the *actual* voters, not the eligible voters. To do this, we employed a technique that is commonly used in social science analysis of voting patterns, and has been used in previous voting rights lawsuits: surname matching and local census data. As noted above, we employ the wru package in R to estimate the probability that a voter is white, black, Latino, or other, using a combination of surname and geolocation. The result is that for every person who actually cast a ballot in the 2017 election, we have a reliable estimate of their race or ethnicity, which we can then aggregate at the precinct level. Using this data we create a more accurate picture of voter behavior in the 10 precincts in East Ramapo to run ecological analysis of vote choice and racial demographics.<sup>14</sup> The results are reported in Table 13 and the full set of results and corresponding statistical outputs for the ecological models can be found in Appendix A

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<sup>14</sup> Here, we are not necessarily interested in the racial assignment for any single individual voter because we use the aggregate precinct data to evaluate patterns across precincts, and are therefore more interested in the combined or aggregate racial assignments across precincts. Using the aggregate data gives us a much more refined read on the racial and ethnic demographics of the voters from one precinct to another because the data is more accurate at an aggregate level.

**TABLE 13: 2017 VOTE CHOICE ESTIMATES USING VOTER RACE (BISG)**

	White vote			Black vote			Latino vote		
	EI	RxC		EI	RxC		EI	RxC	
Berkowitz	72	73	Won	10	23		5	36	
Manigo	28	27		93	77	Blocked	94	64	Blocked
Grossman	72	74	Won	2	23		5	36	
Goodwin	29	26		91	77	Blocked	91	64	Blocked
Freilich	75	77	Won	14	27		5	40	
Dos Reis	25	23		93	73	Blocked	87	60	Blocked

32. The results in Table 13 make clear the pattern of racially polarized voting among whites and non-whites when breaking the data down to actual voters and not CVAP. Both EI and RxC produce results consistent with those above, but provide individual group estimates for whites, blacks, and Latinos which show that both blacks and Latinos voted cohesively within each minority group and across the two minority groups, for the candidates who lost each election: Manigo, Goodwin, and Dos Reis, while whites voted in a bloc in favor of the winning candidate in each election: Berkowitz, Grossman, and Freilich.

**Inquiry 4: Additional evidence from an exogenous election**

33. Beyond the East Ramapo elections analyzed, we also examined the 2012 presidential election, only for precincts within the East Ramapo geography, to assess how the same group of voters cast ballots in an interracial exogenous election. While each geography and jurisdiction across the country is unique, one potential limitation with the Board elections is that East Ramapo utilizes only 10 voting precincts and thus reports results by only 10 voting precincts for the years 2013 – 2017, which can make the inference more challenging if there is not adequate variation across the 10 precincts. The 2012 presidential election was administered by the Rockland County Board of Elections and as such there were 72 precincts available for

analysis. Having 72 precincts allows for the possibility that more variation can be found across precincts, which can benefit the ecological estimates.

34. The 2012 Presidential election shows clear patterns of racially polarized voting between white and non-white voters within East Ramapo, and leaves no question whatsoever that white and minority voters had complete opposite vote choice patterns and that black and Latino voters had similar vote choice patterns. As reported in Table 14, Romney won an estimated 75% of the white vote, while Obama won over 95% of the non-white vote. Further, because of the larger number of precincts, and more variation across racial demographics in each precinct, we also provided vote choice estimates for white, black, and Latino voters for the 2012 presidential election. These results confirm patterns of polarized voting in both the EI and RxC analysis. In the EI analysis, 87% of blacks and 74% of Latinos voted for Obama, compared to only 25% of whites. In the RxC analysis, 98% of blacks and 96% of Latinos voted for Obama compared to only 25% of whites.

**TABLE 14: VOTE CHOICE AMONG EAST RAMAPO PRECINCTS IN 2012**

**PRESIDENTIAL ELECTION**

	White vote		Black vote		Latino vote	
	EI	RxC	EI	RxC	EI	RxC
Romney	75	25	13	2	30	4
Obama	25	75	87	98	74	96

	White vote		Non-White	
	EI	RxC	EI	RxC
Romney	75	77	8	1
Obama	25	23	93	99

## V. CONCLUSION

35. Across the data we have been able to consider to this point, three consistent findings emerge from our preliminary analysis:

1. Elections in East Ramapo are characterized by strong patterns of racially polarized voting, consistent from 2012 to 2017.
2. White voters are highly cohesive in bloc voting against non-white candidates of choice in Board elections. White voters have been on the winning side of every Board election since 2013, and are able to control the outcome of Board elections.
3. Non-white communities are cohesive and consistently vote for similar candidates of choice, but those candidates have not won a contested Board election since at least 2013 for East Ramapo. We have found that even if 100% of blacks and Latinos voted in unison for a candidate, they would not be able to overcome the high degree of bloc voting by whites.
4. Our analysis of actual turnout in the 2017 Board elections and our analysis of the 2012 presidential election demonstrate that blacks vote as a highly cohesive bloc, Latinos vote as a highly cohesive bloc, and blacks and Latinos vote cohesively across these groups.

36. These results are consistent across multiple different types of analysis, and different sources of data. First, our analysis shows consistent divergent voting patterns by whites and non-whites when using aggregate precinct level data, as well as extrapolation from official vote tallies. Despite providing data on a limited number of election precincts, the high bloc voting rates of white voters cannot be denied, and provides critical evidence of racially polarized voting throughout East Ramapo elections. Across almost any dimension we considered, elections are characterized by racially polarized voting.

37. We reserve the right to continue to supplement our report as noted throughout this report and in light of additional facts, testimony and/or materials that may come to light through the course of discovery or otherwise.

38. I declare under the penalties of perjury that the foregoing is true and accurate to the best of my knowledge and belief, and I affirm that I have co-authored this report.

Executed on July 29, 2018  
Los Angeles County, California

A handwritten signature in black ink, reading "Matt A. Barreto", is written over a horizontal line.

MATTHEW A. BARRETO